



May 31, 2019

Michael P. Kelly  
General Superintendent and CEO  
Chicago Park District  
541 N. Fairbanks  
Chicago, IL 60611

Dear Superintendent Kelly,

Yesterday the Montrose Lakefront Coalition (MLC) learned via news media that an event called Mamby on the Beach will be held at Montrose Beach on Aug. 23–24, 2019.

As discussed in our May 21 meeting with Pat Levar and Beth Tomlins, Ald. James Cappleman (46) had recently asked Jerry Mickelson of Jam Productions to contact the MLC to discuss what Mr. Mickelson described to us as a proposal to move this festival to the Montrose Recreational Area (MRA). Mr. Mickelson contacted us and we are currently in the process of setting up this meeting. We were therefore shocked by the announcement. As we explained in our meeting with Mr. Levar and Ms. Tomlins, the MLC surveyed its stakeholders as soon as Mr. Mickelson got in touch, and the consensus is that the festival would be inappropriate for the MRA for reasons including the following:

1. Mamby on the Beach will deny public access to the MRA, which includes Montrose Beach, Montrose Harbor, Montrose Point, the Montrose Dog Friendly Area, the Lakefront Trail, and Lincoln Park east of Lake Shore Drive. All MLC stakeholders—from stewards, vendors, fisherman, and boaters to the average family who comes to swim and barbecue—rely on being able to enter and enjoy the park, especially during this incredibly busy and important time of year.
2. Montrose Beach is home to globally rare dune habitat that supports wildlife and plants that are listed as endangered and threatened species by both the state and federal governments. The festival would put these critical natural resources at high risk and may constitute a violation of Article 9 of the Endangered Species Act.
3. MRA concessions that annually support Chicago Park District revenue and programming goals suffered significant uncompensated loss of business owing to the Mumford and Sons concert and the many days of preparation and breakdown. Similar negative impact would be expected with Mamby on the Beach.
4. The Chicago Triathlon's family-oriented events are already scheduled for the MRA during the weekend of Aug. 23–24. The Triathlon event and regular summer weekend patronage will bring the park and beach to capacity on the proposed weekend.

We'd like to in particular draw your attention to the legal risks related to #2. As you are aware, this season several individuals of an endangered bird species, the Piping Plover, appear to be attempting to nest at Montrose Harbor. This includes a documented mating pair. Based on the US Fish and Wildlife Service website, if Piping Plovers are nesting at a site, eggs would hatch anywhere from late May through July, with young present and not yet able to fly through the end of August.

Section 9 of the Endangered Species act prohibits any person, public, or private entity to "take" individuals of an endangered species. "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." "Harm" is defined as significant habitat modification or degradation that kills or injures wildlife by impairing essential behavioral patterns such as breeding, spawning, rearing, migrating, feeding or sheltering."

Therefore, the MLC emphatically requests that Mamby on the Beach not be permitted at Montrose Beach and that no further preparations be made to hold it in the MRA.

Thank you in advance for your consideration and quick action.

Sincerely,

The Montrose Lakefront Coalition

cc: Mayor Lori Lightfoot

Alderman James Cappleman, 46th Ward

Captain Paul Kane, 19th District, Chicago Police Department

Dana Zilinski, Director of Revenue, Chicago Park District

Dennis Meunier, Assistant Director of Revenue, Chicago Park District

Patrick Levar, Chief Operating Officer, Chicago Park District

Elizabeth Tomlins, Deputy Chief Operating Officer, Chicago Park District

Sandra Olsen, Area 5 Manager – North Region, Chicago Park District



June 2, 2019

Mr. Mike Kelly  
General Superintendent & CEO  
Chicago Park District  
541 N. Fairbanks  
Chicago, Illinois 60611

Re: Montrose Lakefront Coalition letter dated 5/31/19

Dear General Superintendent Kelly,

I have been proactively engaging the interested parties to discuss our plans for Mamby at Montrose Beach beginning initially with the Park District, then Alderman James Cappleman, the Montrose Lakefront Coalition, the 19<sup>th</sup> Police District, OEMC and the Fire Department. Please note the only group who has not scheduled a meeting with me is the Montrose Lakefront Coalition even though I contacted them over 3 ½ weeks ago.

So after reading the May 31 MLC letter I thought it worthy that I respond to you with facts and not fiction about the upcoming Mamby event scheduled for August 23 & 24. I will try to be brief as possible by providing an accurate rebuttal to what I feel are statements by the MLC that are just not true.

"Yesterday the Montrose Lakefront Coalition (MLC) learned via news media that an event called Mamby On The Beach will be held at Montrose Beach on August 23-24, 2019."

- The MLC knew on May 9<sup>th</sup> about Mamby from my email to them stating that "I wanted to sit with you to lay out our plans to bring Mamby On The Beach music fest to Montrose Beach on Friday, August 23 & Saturday, August 24. This event has a good track record having taken place the last 4 years at Oakwood Beach. Let's try to figure out a mutually agreeable date and time we can meet."

"Mr. Mickelson contacted us and we are currently in the process of setting up this meeting."

- Again, what the MLC did not bring up was the fact that I reached out to them on May 9 but they did not respond for 3 entire weeks. Finally, this past Wednesday, May 29, I received an email saying "We apologize for the late response. The MLC has agreed to meet with you, however, we are still trying to determine the best time to meet. We will reach out again soon." Attached are copies of the emails.
- As this point in time the MLC has still not set up a meeting with me.

“Mamby On The Beach will deny public access to the MRA, which includes Montrose Beach, Montrose Harbor, Montrose Point, the Montrose Dog Friendly Area, the Lakefront Trail, and Lincoln Park east of Lake Shore Drive.”

- This statement is blatantly false. Had the MLC scheduled a time to meet over the past 3 ½ weeks I was prepared to review with them the same plans we submitted and reviewed with the Park District, the City of Chicago, OEMC, the Commander & Captain of the 19<sup>th</sup> Police District and the Fire Department.
- These plans clearly show that all of Montrose Harbor, Montrose Point, the Montrose Dog Friendly Area and Lincoln Park east of Lake Shore Drive are accessible to the public. The public would still be able to access Montrose Beach during this fest and will be open to the public in its entirety for use beginning on Sunday morning, August 25.
- Jam is not setting a precedent by using a city beach. Let’s not forget that B-96 has hosted numerous events on Montrose Beach. And Oak Street Beach, the city’s premier and busiest beach, has been shut down each year for the AVP Volleyball Tournament.

“Montrose Beach is home to globally rare dune habitat that supports wildlife and plants that are listed as endangered and threatened species by both the state and federal governments. This festival would put these critical natural resources at high risk and may constitute a violation of Article 9 of the Endangered Species Act.”

- The public uses the same beach that Mamby will be renting. I am not sure how it is okay for the public to use Montrose Beach but not Mamby.
- The MLC conveniently forgets to mention that at Mumford & Sons in 2015 we provided security to protect the habitat in order to keep the fans from trespassing into any sensitive areas and intend to do the same for Mamby.

“MRA concessions that annually support Chicago Park District revenue and programming goals suffered significant uncompensated loss of business owing to the Mumford and Sons concert and the many days of preparation and breakdown. Similar negative impact would be expected with Mamby On The Beach.”

- At Mumford & Sons we designed the site so the restaurant and food stand were able to take advantage of the crowd coming to the show. Neither owners of those businesses told us they lost any income due to that concert. As a matter of fact, we sent people over to eat at those establishments.
- Typically restaurants and bars appreciate Jam’s concerts since our fans add to their bottom line. Hopefully the MLC can provide the exact dollar amounts they claim the businesses and the Park District financially suffered during Mumford & Sons.

"The Chicago Triathlon's family-oriented events are already scheduled for the MRA during the weekend of August 23-24. The Triathlon event and regular summer weekend patronage will bring the park and beach to capacity on the proposed weekend."

- It is disingenuous to bring up August 23<sup>rd</sup> since all the Triathlon's events that day are scheduled to take place at the Hilton Chicago.
- Also, as I understand it, the Triathlon events that take place between Foster and Montrose are finished by noon. The gates open at 1 PM for Mamby, the music begins at 2 PM with most fans arriving between 4 PM to 7 PM. I had previously made a commitment to the Park District to work with the Triathlon folks to accommodate their needs and not impede their scheduled events.

"We'd like to in particular draw your attention to the legal risks related to #2. As you are aware, this season several individuals of an endangered bird species, the Piping Plover, appear to be attempting to nest at Montrose Harbor."

- Mamby has never included Montrose Harbor in our plans.
- I can categorically tell you that Mamby nor its' fans have any intention of doing anything to "harass, harm, pursue, hunt, shoot, wound, kill, capture, collect, or attempt to engage in any such conduct. We will provide the necessary security so as not to impair "essential behavioral patterns such as breeding, spawning, rearing, migrating, feeding or sheltering."
- I am willing to provide security if it is determined to be necessary.

"Therefore, the MLC emphatically requests that Mamby On The Beach not be permitted at Montrose Beach and that no further preparations be made to hold it in the MRA."

- Their reasons for asking you to deny our right to present this fest are fraught with misinformation and inaccuracies as I have just noted.
- After taking 3 weeks to respond to my request for a meeting in my attempt to be proactive, the MLC has decided to work against us rather than with us.
- The MLC has to date not scheduled a meeting with me and my team.

Based on reading this letter, it seems like the MLC has some sort of prejudice against people who would like to attend Mamby at this beach and on this weekend. Please note this fest crosses all genres of music while being appreciated by a wide range of Chicagoans, many of whom asked us to move Mamby off its typical June time period during Pride Weekend and also to a more convenient location.

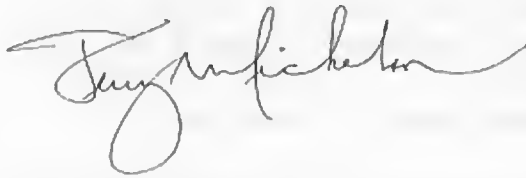
In addition, isn't Mayor Lightfoot's message one of being inclusive rather than exclusive? Why should this park only be used by "vendors, fisherman, boaters, the average family who comes to swim and barbeque." As long as this event is professionally produced, why shouldn't I or any thousands of music fans have a right to utilize Montrose Beach and Park to attend Mamby? The MLC must remember and acknowledge that our city parks belong to everyone.

In closing, my company has been trying to create economic development and social impact opportunities for the Uptown neighborhood since 1973 when we began producing concerts at the Aragon Ballroom, the Uptown Theatre and Riviera Theatre. Over the past 46 years we have been a stakeholder in this community and will continue to support the Uptown Entertainment District and its businesses by focusing our efforts on bringing more entertainment to Uptown.

Even though the MLC has not shown any good faith in this process I am still ready, willing and able to meet with them to lay out our plans for Mamby. Since their minds have already been made up I doubt that I will be able to win them over but I will show them the courtesy they did not provide me by having an honest and open discussion about how we intend to successfully and conscientiously produce this fest.

Very truly,

JAM PRODUCTIONS, LTD.

A handwritten signature in black ink, appearing to read "Jerry Mickelson". The signature is fluid and cursive, with a large loop at the end.

Jerry Mickelson, President

P.S. Please note that due to the likelihood the beach will be under water we are working on an additional site plan to utilize the park land just to the west of the beach. Once completed I will forward it along.

cc: Alderman James Cappleman  
Commander Chris Papaioannou, Chicago Police Department 19<sup>th</sup> District  
Captain Paul Kane, Chicago Police Department 19<sup>th</sup> District  
Officer Kellee Simz, Chicago Police Department 19<sup>th</sup> District  
Tim King, General Counsel, Chicago Park District  
Dana Zilinski, Director Of Revenue, Chicago Park District  
Sheshe Taylor, Deputy Director Of Revenue, Chicago Park District  
Patrick Levar, Chief Operating Officer, Chicago Park District  
Elizabeth Tomlins, Deputy Chief Operating Officer, Chicago Park District  
Sandra Olson, Area 5 Manager North Region, Chicago Park District  
Mark Kelly, Commissioner of DCASE  
Jen Washington, Director Of Programming, DCASE